



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

TJR  
Docket No: 846-00  
18 May 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 10 May 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 28 August 1972 at the age of 17. Your record reflects that on 12 February 1973 you received nonjudicial punishment (NJP) for two periods of unauthorized absence (UA) totalling 12 days and were awarded extra duty and restriction for 24 days. On 15 June 1973 you received NJP for two periods of UA totalling 44 days. The punishment imposed was restriction for 30 days and reduction to paygrade E-1. During the period from 22 August to 5 December 1973 you received NJP on three other occasions for failure to obey a lawful order, absence from your appointed place of duty, and a day of UA.

Subsequently, you were processed for an administrative separation by reason of unfitness. On 11 January 1974 the discharge authority directed your commanding officer to issue you a general discharge by reason of unfitness. On 18 January 1974 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as

your youth and immaturity, and your contention that you would like your discharge upgraded to fully honorable. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your frequent misconduct, which resulted in four NJPs and a court-martial conviction. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director